

**Proposed Changes to Title 5  
Section 80307  
Disclosure of Documents During Investigation**

**80307 DISCOVERY DISCLOSURE OF DOCUMENTS DURING INVESTIGATION**

~~(1) All writings as defined by California Evidence Code section 250 which are included in the applicant's or holder's file including writings which form the basis for the allegations, with the exception of privileged information, shall be subject to discovery by the applicant or holder following commencement of an investigation.~~

~~(b) The fee for providing discovery is \$.10 per page for photocopies, \$.50 per page for copies from microfilm, the actual cost of postage, and the actual cost of staff time at the hourly rate of a program technician.~~

~~(c) Credential holders or applicants being investigated shall be notified of the availability and cost of discovery upon notice of initial review from the Commission. Upon receipt of a written request for discovery, Commission staff shall, within five working days, notify the requester of the fee for discovery. This fee shall be paid prior to the release of the documents subject to discovery.~~

~~(a) Upon receipt of a written request, the Committee shall disclose to the credential holder or applicant or his or her attorney only those portions of the investigation that constitute the basis or bases of the allegations of misconduct file as authorized by Education Code section 44244(a).~~

~~(b) Disclosure of documents pursuant to subsection (a) may be provided at any time subject subsequent to the commencement of the initial review pursuant to Education Code section 44242.5(c).~~

~~(c) Except as provided in subsection (a), information contained in the investigative files are exempt from release under the Information Practices Act pursuant to subdivision (d) of section 1798.40 of the Civil Code.~~

Note: Authority cited: Section 44225(q), Education Code; Cross v. CTC et al., Sacramento Superior Court, 01CS0175; 111 Cal. App. 4<sup>th</sup> 1001. Section 1798.40(d), Civil Code. Reference: Section 44244(a), Education.